

1991 Assembly Bill 33

Date of enactment: **May 31, 1991**
Date of publication*: **June 14, 1991**

1991 WISCONSIN ACT 20

AN ACT to create 895.57 and 943.75 of the statutes, relating to: unauthorized release of animals and providing a penalty.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 895.57 of the statutes is created to read:

895.57 Damages; unauthorized release of animals. (1) In this section:

(a) "Humane officer" means an officer appointed under s. 58.07.

(b) "Local health officer" has the meaning given in s. 143.01 (1m).

(c) "Peace officer" has the meaning given in s. 939.22 (22).

(2) A person who intentionally releases an animal that is lawfully confined for scientific, farming, companionship or protection of persons or property, recreation, restocking, research, exhibition, commercial or educational purposes, acting without the consent of the owner or custodian of the animal, is liable to the owner or custodian of the animal for damages, which shall include the costs of restoring the animal to confinement.

(3) Subsection (2) does not apply to any humane officer, local health officer, peace officer, employe of the department of natural resources while on any land licensed under s. 29.52, 29.573, 29.574, 29.575 or 29.578 or designated as a wildlife refuge under s. 29.57 (1) or employe of the department of agriculture, trade and consumer protection if the officer's or employe's acts are in good faith and in an apparently authorized and reasonable fulfillment of his or her duties.

SECTION 2. 943.75 of the statutes is created to read:

943.75 Unauthorized release of animals. (1) In this section:

(a) "Humane officer" means an officer appointed under s. 58.07.

(b) "Local health officer" has the meaning given in s. 143.01 (1m).

(2) Whoever intentionally releases an animal that is lawfully confined for scientific, farming, companionship or protection of persons or property, recreation, restocking, research, exhibition, commercial or educational purposes, acting without the consent of the owner or custodian of the animal, is guilty of a Class C misdemeanor. A 2nd violation of this section by a person is a Class A misdemeanor. A 3rd or subsequent violation of this section by a person is a Class E felony.

(3) Subsection (2) does not apply to any humane officer, local health officer, peace officer, employe of the department of natural resources while on any land licensed under s. 29.52, 29.573, 29.574, 29.575 or 29.578 or designated as a wildlife refuge under s. 29.57 (1) or employe of the department of agriculture, trade and consumer protection if the officer's or employe's acts are in good faith and in an apparently authorized and reasonable fulfillment of his or her duties. This subsection does not limit any other person from claiming the defense of privilege under s. 939.45 (3).

(4) When the existence of an exception under sub. (3) has been placed in issue by the trial evidence, the state must prove beyond a reasonable doubt that the facts

– 2 –

1991 Assembly Bill 33

constituting the exception do not exist in order to sustain
a finding of guilt under sub. (2).
